

REMARKS

In accordance with the foregoing, claims 1, 3-4, 6 and 8-13 are amended and new claim 14 is presented. No new matter is presented and entry and approval of the amended and new claims are requested.

Claim 7 is cancelled herein without prejudice or disclaimer

Claims 1-4, 6, and 8-14 are pending and under consideration. Reconsideration is requested.

* * *

Traverse of 35 U.S.C. 101 rejection

In items 2-3 of the Office Action, the Examiner rejects claim 9 under 35 U.S.C. §101 as directed to non-statutory subject matter. The Examiner asserts:

[T]he claimed invention is directed to apparatus claim, but appearing to be comprised of software alone without claiming the associated computer hardware required for execution.

(See, Office Action at page 2).

The rejection is traversed. Claim 9 is amended herein to address the Examiner's concern and recite a task control apparatus including "a storage device . . . " Applicants submit that claim 9 complies with 35 U.S.C. §101.

Conclusion

Thus, withdrawal of the rejection is requested.

* * *

Traverse of 35 U.S.C. §112, second paragraph rejections

In item 5 of the Office Action, the Examiner rejects claims 1-4, 6, and 8-13 under 35 U.S.C. 112, second paragraph, as being indefinite. The rejections are traversed.

* * *

In items 5i, v. and vi, the Examiner rejects claims 1, 9, and 10. Regarding claim 1, the Examiner asserts:

(In) relation between non idle process determination and the process identifier in the PCB. Line 10, it is unclear how changing a priority of the task (operating system) higher than a primary priority of the task (operating system) is done (i.e. is changing the priority of the operating system in reference to another or itself?).

(See, Office Action at page 3).

The Examiner makes similar assertions for claims 9 and 10.

Claim 1 is amended herein to address the Examiner's concern and recite a medium

causing a computer to execute an operating system as a task by performing "determining based on a process identifier . . . , wherein the process identifier indicates whether a process is the non-idle process or not andchanging a priority of the task . . . by reading the higher priority stored in a storage unit as a system parameter and setting the priority of the task to the higher priority. (Amendatory language underlined).

Claims 9 and 10 are amended herein in a similar manner.

* * *

In item 5ii, the Examiner rejects claim 3 asserting:

[U]nclear how the changing of the operating system priority to a lower priority is done.

(See, Office Action at page 3).

Claim 3 is amended herein to address the Examiner's concern and recite " . . . changing priority . . . by reading the primary priority stored in the storage unit as a system parameter and setting the priority of the task to the primary priority . . ." (Amendatory language underlined).

* * *

In paragraph 5iii, the Examiner rejects claim 4 asserting:

[L]ine 4, it is uncertain whether "determining whether a non idle process is executable . . . " is done for the second time. It is unclear whether "a non- idle process" is the same as . . . in claim 1 Line 7, it is not clearly understood what are the criteria for.

(See, Office Action at page 3).

Claim 4 is amended herein to herein to address the Examiner's concern and recite " . . . determining whether the non-idle process is executable under the control of the operating system; . . . ; and determining whether an interruption request has been made to the operating system based on an interruption request flag set when an interruption to the operating system is required. (Amendatory language underlined).

* * *

In item 5iv, the Examiner rejects claim 8 asserting:

[U]nclear (if) "the process" referred to in line 5 is the same as "processes" referred to in claim 1.

(See, Office Action at page 4).

Claim 8 is amended to address the Examiner's concerns and recite " . . . after it is determined at the determining that the non-idle process waiting for the execution is included in the processes to be executed under control of the operating system." (Amendatory language

underlined).

* * *

In item 5vii, the Examiner rejects claim 12 asserting:

[U]nclear how raising a priority of the task (operating system) higher than a primary priority (operating system) is done.

(See, Office Action at page 3).

Claim 12 is amended herein to recite " . . . raising a priority of the task by reading a higher priority than a primary priority stored in a storage unit as a system parameter and setting the priority of the task to the higher priority . . ." (Amendatory language underlined).

* * *

In item 5viii, the Examiner rejects claim 13 as:

[I]t is unclear how changing a priority of the task (operating system) higher than a primary priority (operating system) is done.

(See, Office Action at page 4).

Claim 13 is amended to recite "changing a priority of the task to a priority higher than a primary priority by reading the priority higher than the primary priority stored in a storage unit as a system parameter and setting the priority of the task to the priority higher than the primary priority." (Amendatory language underlined).

Conclusion

Applicants submit claims 1-4, 6, and 8-13 comply with 35 U.S.C. §112, second paragraph and request that the rejections be withdrawn.

* * *

Traverse of rejections under §102(e)

In items 8-16 of the Office Action, the Examiner rejects claims 1-2, 4, 6, 9-10 and 12-13 under 35 U.S.C. §102(e) as being anticipated by Saito et al. (US 2005/0149933 A1). The rejections are traversed.

Independent claim 1 recites a medium that stores a task control computer program that cause a computer to execute an operating system as a task by performing "determining whether a non-idle process is included in processes to be executed under control of the operating system based on a process identifier stored in a process control block (PCB) of processes to be executed under control of the operating system, wherein the process identifier indicates whether a process is the non-idle process or not and the non-idle process is a process waiting for

execution under control of the operating system, other than an idle process executed when the operating system proceeds to an idle state; and changing a priority of the task to a higher priority higher than a primary priority of the task to execute the operating system under control of which the non-idle process is executed by reading the higher priority stored in a storage unit as a system parameter and setting the priority of the task to the higher priority when it is determined at the determining that the processes to be executed under control of the operating system include the non-idle process." (Emphasis added). Independent claims 9-10, and 12-13 have similar recitations.

As set forth in MPEP §2131, to establish anticipation under §102, the reference relied on in support of the rejection must teach each and every element of the claim and the identical invention must be shown in as complete detail as in the claim. Applicants submit that Saito does not teach at least all of the features recited by each of the independent claims.

By contrast with independent claim 1, for example, in paragraph [0063] of Saito, cited by the Examiner, Saito merely teaches:

Task priorities from the operating systems, not comparable while unmodified, can be compared once they are translated into normalized priorities. Normalized priorities can be identical to those of one of the operating systems involved. In that case, the operating system in question provides priorities that are regarded as normalized priorities. The priority comparison module 124 compares normalized priorities obtained from both operating systems and switches to one of the operating systems that has the higher normalized priority of the two.

(Emphasis added).

That is, Saito merely teaches normalized priorities to compare tasks on different operating systems and to switch operating systems.

Applicants submit that Saito does not teach a "changing a priority of the task to a higher priority higher than a primary priority of the task to execute the operating system under control of which the non-idle process is executed by reading the higher priority stored in a storage unit as a system parameter and setting the priority of the task to the higher priority when it is determined at the determining that the processes to be executed under control of the operating system include the non-idle process," as recited by claim 1, for example.

Thus, Saito does not teach all of the features recited by independent claim 1, for example. Similarly, Saito does not teach all of the features recited by each of independent claims 9-10 and 12-13.

* * *

Dependent claims 2, 4, and 6 inherit the patentable recitations of base claim 1, and therefore, patentably distinguish over the Saito for at least the reasons discussed above. In addition, the dependent claims recited additional features not disclosed by Saito.

Conclusion

Thus, the rejection should be withdrawn and the claims allowed.

* * *

Traverse of rejection under §103(a)

In items 18-24 of the Office Action, the Examiner rejects dependent claims 3, 8 and 11 under 35 U.S.C. §103(a) as being unpatentable over Saito. The rejections are traversed.

Dependent claims 3, 8, and 11 inherit the patentable recitations of base claim 1, and therefore, patentably distinguish over Saito for at least the reasons discussed above. Further, Applicants submit that one of ordinary skill in the art would not have modified Saito to overcome the deficiencies in the teaching of Saito noted above.

Conclusion

Thus, the rejection should be withdrawn and the claims allowed.

* * *

New claim

New claim 14 is presented to recites features of an exemplary embodiment in a different fashion. New claim 14 recites a method including "setting a priority of a task to a priority that is read from a storage unit as a system parameter that is higher than a primary priority to execute the operating system and an included non-idle process."

No new matter is presented, and approval and entry of the new claim are respectfully requested.

These, and other, features of claim 14 patentably distinguish over the cited art, and submitted to be allowable for the recitations therein.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/784,944

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 24, 2009

By: Paul W. Bobowiec
Paul W. Bobowiec
Registration No. 47,431

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501